

CIVIL SERVICE BOARD MEETING

DECEMBER 5, 2012

A regular called meeting of the Clayton County Civil Service Board was held on Wednesday, December 5, 2012, in the Commissioners' Board Room.

Members present: Larry A. Bartlett, Chairman
 Troyce B. Lancaster, Vice-Chair
 Lori Favre, Member
 Gbenga Osagie, Member
 J. Mark Trimble, Member

Also present: Human Resources Director Renee Bright and various staff members; Civil Service Board Attorney Joe Harris; County Attorney Pamela Everett; Chief Deputy Garland Watkins; Sheriff's Office Legal Advisor Stacey McClurkin; Nola Carter, Jr.; various employees from County departments; and other individuals.

Chairman Bartlett called the meeting to order at 9:22 a.m., and noted for the record that all members were present. Chairman Bartlett called for a motion to adopt the December 5th Agenda. Mr. Trimble made a motion to approve the agenda with the following amendments: remove item #7 and move up all entries and add item #7a – Request for annual leave donation, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.

1. Considered for approval the Civil Service Board Meeting minutes that was held on November 7, 2012.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
2. Considered for approval the Executive Session Minutes for the termination appeal filed by Johnette Colquitt.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0). Board member, Lori Favre abstained from voting.
3. Considered for approval the Executive Session Minutes for the request to extend the probationary period of Rickie Lee Collier, Sr., Parks and Recreation.

- a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the minutes, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
4. Considered for approval the Civil Service Board's Decision regarding the Johnette Colquitt, Sheriff's Office, termination appeal that was heard at the November 7, 2012, Meeting.
 - a. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the Decision, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote (4-0). Board member, Lori Favre abstained from voting.
5. Considered for approval request from Frances Brown, Magistrate Court, for annual leave donations.
 - a. Chairman Bartlett asked if Ms. Brown or anyone from Magistrate Court was present. No one was in attendance.
 - b. Chairman Bartlett called for a motion. Mr. Trimble made a motion to approve the request, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
6. Considered for approval the request from Eddie Gore, Sheriff's Office, for annual leave donations.
 - a. Chief Deputy Garland Watkins advised the department had no objections to the request.
 - b. Mr. Trimble made a motion to approve the request, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
7. *Appeal (continuation)* – Considered the appeal that was filed by Nola J. Carter, Jr., Sheriff's Office, on July 14, 2010, regarding "demotion from Sergeant to Correctional Officer".
 - a. County Attorney Pamela Everett advised the County had two more witnesses.
 - b. Chairman Bartlett reminded all witnesses they would return to sequestration.
 - c. Ms. Everett called Major Joseph Shawn Southerland to the witness stand. He stated his name, where employed and duties. Ms. Everett began questioning Major Southerland. Major Southerland responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit C-12**.

- d. Ms. Everett continued questioning Major Southerland. Major Southerland responded in detail to all questions posed by Ms. Everett.
- e. Deputy Sheriff Carter cross-examined Major Southerland. Major Southerland responded in detail to all questions posed by Deputy Sheriff Carter. Deputy Sheriff Carter mentioned **County Exhibit C-12** (p. 00008).
- f. Ms. Everett asked additional questions to Lt. Pauls. He responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibits C-11** (p. 000060) and **C-12** (p. 00007).
- g. Deputy Sheriff Carter asked an additional question to Major Southerland. He responded in detail to the question posed by Deputy Sheriff Carter.
- h. The Board questioned Major Southerland. He responded in detail to all questions posed by the Board.
- i. There being no further questions, the witness was released (not subject to recall).
- j. Ms. Everett called Chief Deputy Garland Watkins to the witness stand. He stated his name, title and duties. Ms. Everett began questioning Chief Deputy Watkins. Chief Deputy Watkins responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit C-12** (p. 000015) and **C-12**.
- k. Ms. Everett continued questioning Chief Deputy Watkins. Chief Deputy Watkins responded in detail to all questions posed by Ms. Everett.
- l. Deputy Sheriff Carter cross-examined Chief Deputy Watkins. Chief Deputy Watkins responded in detail to all questions posed by Deputy Sheriff Carter. Ms. Everett objected to a question posed by Deputy Sheriff Carter as it was "asked and answered". Chairman Bartlett sustained the objection and explained in detail.
- m. Deputy Sheriff Carter continued the cross-examination of Chief Deputy Watkins. Chief Deputy Watkins responded in detail to all questions posed by Deputy Sheriff Carter. Ms. Everett objected to Deputy Sheriff Carter's "relevancy" regarding use of force. Chairman Bartlett asked Deputy Sheriff Carter to explain. Deputy Sheriff Carter explained in detail. Ms. Everett stated he was testifying and asked that all testimony be stricken from the record. Chairman Bartlett advised the Board to disregard testimony given by Deputy Sheriff Carter.
- n. Deputy Sheriff Carter continued the cross-examination of Chief Deputy Watkins. Chief Deputy Watkins responded in detail to all questions posed by Deputy Sheriff Carter. Deputy Sheriff Carter mentioned **County Exhibit C-12** (p.000039).

- o. Deputy Sheriff Carter continued the cross-examination of Chief Deputy Watkins. Chief Deputy Watkins responded in detail to all questions posed by Deputy Sheriff Carter.
- p. The Board questioned Chief Deputy Watkins. He responded in detail to all questions posed by the Board.
- q. There being no further questions, the witness was dismissed (subject to recall).
- r. Ms. Everett stated the County rested subject to the recall of Chief Deputy Watkins.
- s. Mr. Trimble made a motion for a short break, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- t. Chairman Bartlett called the meeting back to order.
- u. Deputy Sheriff Carter called Major Robert Sowell to the witness stand. Deputy Sheriff Carter began questioning Major Sowell. Major Sowell responded in detail to all questions posed by Deputy Sheriff Carter.
- v. Ms. Everett cross-examined Major Sowell. Major Sowell responded in detail to all questions posed by Ms. Everett.
- w. Deputy Sheriff Carter asked follow-up questions to Major Sowell. He responded in detail to all questions posed by Deputy Sheriff Carter.
- x. The Board questioned Major Sowell. He responded in detail to all questions posed.
- y. There being no further questions, the witness was released.
- z. Deputy Sheriff Carter called Lt. Teresa Proctor to the witness stand. She stated her name, where employed and her tenure. Deputy Sheriff Carter began questioning Lt. Proctor. Lt. Proctor responded in detail to all questions posed by Deputy Sheriff Carter. Deputy Sheriff Carter mentioned **County Exhibit C-12** (audit).
- aa. Deputy Sheriff Carter continued questioning Lt. Proctor. Lt. Proctor responded in detail to all questions posed by Deputy Sheriff Carter.
- bb. Ms. Everett cross-examined Lt. Proctor. Lt. Proctor responded in detail to all questions posed by Ms. Everett.
- cc. The Board questioned Lt. Proctor. She responded in detail to all questions posed by the Board.
- dd. There being no further questions, the witness was released.

- ee. Deputy Sheriff Carter called Sgt. Grace Taylor to the witness stand. She stated her name and where employed. Deputy Sheriff Carter began questioning Sgt. Taylor. Sgt. Taylor responded in detail to all questions posed by Deputy Sheriff Carter. Deputy Sheriff Carter mentioned **County Exhibit 12** (p. 00009).
- ff. Deputy Sheriff Carter continued questioning Sgt. Taylor. Sgt. Taylor responded in detail to all questions posed by Deputy Sheriff Carter.
- gg. Ms. Everett cross-examined Sgt. Taylor. Sgt. Taylor responded in detail to all questions posed by Ms. Everett. Ms. Everett mentioned **County Exhibit C-12** (p. 000015).
- hh. Deputy Sheriff Carter asked follow-up questions to Sgt. Taylor. She responded in detail to all questions posed by Deputy Sheriff Carter. Ms. Everett objected to a question posed by Deputy Sheriff Carter as to its relevancy. Chairman Bartlett over-ruled the objection.
- ii. Deputy Sheriff Carter continued asking follow-up questions to Sgt. Taylor. She responded in detail to all questions posed by Deputy Sheriff Carter.
- jj. Ms. Everett asked additional questions to Sgt. Taylor. She responded in detail to all questions posed by Ms. Everett.
- kk. The Board questioned Sgt. Taylor. She responded in detail to all questions posed by the Board.
- ll. Deputy Sheriff Carter asked to re-question Sgt. Taylor.
- mm. Chairman Bartlett advised the he would allow the questioning in lieu of having to retain the witness for future testimony. Ms. Everett had no objections.
- nn. Deputy Sheriff Carter questioned Sgt. Taylor. She responded in detail to all questions posed by Deputy Sheriff Carter. Ms. Everett objected to a question posed by Deputy Sheriff Carter as to its relevancy. Deputy Sheriff Carter explained in detail. Chairman Bartlett sustained the objection.
- oo. There being no further questions, the witness was released.
- pp. Deputy Sheriff Carter advised he rested his case and would not testify.
- qq. Chairman Bartlett called for a 10-minute break. Mr. Trimble made a motion, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.
- rr. Chairman Bartlett called the meeting back to order.
- ss. Both sides confirmed there were no rebuttal witnesses.

- tt. Deputy Sheriff Carter presented his closing arguments. Ms. Everett presented the County's closing arguments.
 - uu. Chairman Bartlett called for a motion to adjourn into Executive Session to discuss the appeal that was filed by Nola J. Carter, Jr., Sheriff's Office, on July 14, 2010, regarding "demotion from Sergeant to Correctional Officer". Mr. Trimble made a motion, second by Mr. Osagie. No further discussion on the motion made. Motion carried by unanimous vote.
 - vv. Chairman Bartlett called the meeting back to order
 - ww. Chairman Bartlett called for a motion regarding the appeal filed by Nola J. Carter, Jr., Sheriff's Office, on July 14, 2010, regarding "demotion from Sergeant to Correctional Officer". Mr. Trimble made a motion to uphold the decision to demote the employee, second by Ms. Favre. No further discussion on the motion made. Motion carried by unanimous vote.
 - xx. Chairman Bartlett addressed Chief Deputy Watkins regarding the officers who came forward and took responsibility in this matter.
8. Discussion items.
- a. Selected a second meeting date for March 2013.
 - i. Chairman Bartlett made a motion for March 5, 2013 as the Special Called Meeting date and March 6, 2013, as the Regular Meeting date, second by Mr. Trimble. No further discussion on the motion made. Motion carried by unanimous vote.
 - b. Nola J. Carter, Jr. (demotion appeal).
 - i. Deputy Sheriff Carter had a question regarding his pay grade.
 - ii. Chairman Bartlett advised Deputy Sheriff Carter to contact Personnel and if the matter is not addressed he could file a grievance with the Civil Service Board and reminded him it would only be a recommendation (not binding).
 - c. Backlog of Appeals/Grievances.
 - i. Chairman Bartlett asked Human Resources Director Renee Bright to advise the Board of Commissioners that it is willing to work additional days and do what is necessary to help address this issue.

- d. Chairman Bartlett wished everyone a Merry Christmas and a Happy New Year!

Chairman Bartlett stated that all matters have been concluded and called for a motion to adjourn this meeting. Mr. Trimble made a motion to adjourn, second by Vice-Chair Lancaster. No further discussion on the motion made. Motion carried by unanimous vote.

Meeting adjourned.


LARRY A. BARTLETT
CHAIRMAN


RENEE BRIGHT
HUMAN RESOURCES DIRECTOR